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9-12-02

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Date: Aug 9, 2002

By: [Signature]  
Linda Hykes

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Charles Zappala

APPLICATION No.: 10/090,265

FILED: March 4, 2002

FOR: **REAL-TIME NETWORK ANALYSIS  
AND PERFORMANCE  
MANAGEMENT**

ART UNIT: 2681

CONFIRMATION No.: 6538

**PATENT**

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**Supplemental Information Disclosure Statement**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. **Timing of Submission**

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 CFR 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. **Cited Information**

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ Copies of the following references can be found in parent U.S. Application No.

- ☐ All cited references
- ☐ References marked by asterisks
- ☐ The following:



- ☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

- ☐ All cited references  
☐ References marked by ampersands  
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3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

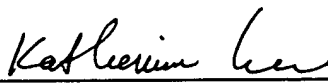
No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 CFR 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP

Date: August 9, 2002

  
Katherine D. Lee  
Registration No. 44,865

Correspondence Address:

Customer No. 30083



**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Form PTO-1449 (Modified)  
(Use several sheets if necessary)

**COMPLETE IF KNOWN**

Application Number	10/090,265
Confirmation Number	6538
Filing Date	March 4, 2002
First Named Inventor	Charles Zappala
Group Art Unit	2681
Examiner Name	
Attorney Docket No.	101948041US1

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**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		5,926,762		Arpee et al.	7/20/99	

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**FOREIGN PATENT DOCUMENTS**

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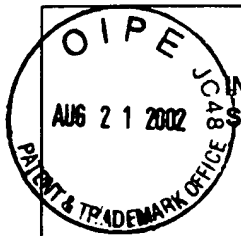
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		"TEMS™ Automatic Autonomous Network Monitoring System," Ericsson NetQual Inc. Advertising brochure, 2001. ✓	
		WALLEY, WAYNE, "Increasing Cell Traffic Breeds Static," <i>Global Telephony</i> , July 2, 2001, Intertec Publishing Corporation at ScoreBoard website, ✓ <a href="http://www.google.com/search?q=cache:ma9c4QEwEGo:www.merrittgrp.com/article%20s2.cfm?clientid=25&amp;artid=359">http://www.google.com/search?q=cache:ma9c4QEwEGo:www.merrittgrp.com/article%20s2.cfm?clientid=25&amp;artid=359</a> .	
		"ScoreBoard and Schema Settle Patent Infringement Lawsuit," ScoreBoard website, Press Release, September 24, 2001, ✓ <a href="http://www.scoreboardinc.com/news/ShowRelease.cfm?Release=95">http://www.scoreboardinc.com/news/ShowRelease.cfm?Release=95</a> , downloaded 12/13/2001.	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).



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Form PTO-1449 (Modified)

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		"Products and Services," ScoreBoard Website, ✓ <a href="http://www.scoreboardinc.com/products/index.cfm">http://www.scoreboardinc.com/products/index.cfm</a> , downloaded 12/13/2001.	
		"Data Management," ScoreBoard Website, ✓ <a href="http://www.scoreboardinc.com/products/process/dataManagement.cfm">http://www.scoreboardinc.com/products/process/dataManagement.cfm</a> , downloaded 12/13/2001.	
		"Analysis," ScoreBoard Website, ✓ <a href="http://www.scoreboardinc.com/products/process/analysis.cfm">http://www.scoreboardinc.com/products/process/analysis.cfm</a> , downloaded 12/13/2001.	
		"Optimization," ScoreBoard Website, ✓ <a href="http://www.scoreboardinc.com/products/process/optimization.cfm">http://www.scoreboardinc.com/products/process/optimization.cfm</a> , downloaded 12/13/2001.	
		"TEMS™ Optimization Solutions," Ericsson Website, <a href="http://www.ericsson.com/tems/">http://www.ericsson.com/tems/</a> , downloaded 12/13/2001. ✓	
		"TEMS™ Automatic TDMA," Ericsson Website, ✓ <a href="http://www.ericsson.com/tems/tdma/automatic-tdma.shtml">http://www.ericsson.com/tems/tdma/automatic-tdma.shtml</a> , downloaded 12/13/2001.	

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